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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,377	06/28/2000	Puneet Agarwal	P4501	5997

24739 7590 01/23/2004

CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/606,377	Applicant(s) AGARWAL ET AL.	
	Examiner Oanh L. Duong	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-24 are presented for examination.

Response to Arguments

1. Applicant's arguments filed on 11/09/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., amending **and** changing data, both sources changes **and** updates) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicants' argument that Goertzel does not teach or suggest that each of the plurality of processor running both the first and second protocol. Examiner respectfully disagrees because Goertzel does teach this feature. For example, Goertzel teaches processor running both the first and second protocols (many different communication protocols...executing on the same computer system) (see col. 1 lines 59-62 and col. 4 line 36-col. 5 line 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2155

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chao et al (Chao) (US 6,338,092 B1) in view of Goertzel et al (Goertzel) (US 6,208,952 B1).

Regarding claims 1, 7, 13 and 19, Chao teaches in a distributed processor system wherein each of the first plurality of processors maintains a copy of the database (see abstract), a method for synchronized maintenance and distribution of the database (see col. 3 lines 22-23) comprising sharing the generated or amended data from the servers to the clients, such that each of the first plurality of processors receives generated and amended data (see col. 5 lines 3-47). Chao does not a processor running the first and second protocols. However, Goertzel teaches registering each of the first plurality of processors with at least one other of the first plurality of processors, creating client-server pairs (see fig. 3), in an arrangement that each of plurality of processors either run or is registered with a processor running both the first and second protocols (see col. 1 lines 59-62 and col. 4 line 36-col. 5 line 20). Therefore, it would have been obvious to have utilized multiple protocols in Chao as taught by Goertzel because such protocols enable processors (e.g. client or server) in a computer systems to communicate with a wide ranges of other processors on other computer systems.

Regarding claims 2, 8, 14 and 20, Chao teaches registering each of the second plurality of processors with at least one of the first plurality of processors, creating client-server pairs between individual one of the first and second plurality of processor and

sharing at least a subset of the database from the servers in the first plurality of processors to the clients in the second plurality of processors (see col. 10 lines 57-67).

Regarding claims 3, 9, 15 and 21, Chao teaches registering each of a third plurality of processors with individual ones of the second plurality of processors, creating client-server pairs between individual ones of the second and the third plurality of processors, enabling clients in the third plurality of processors to receive copies of the subset of the database (see col. 10 lines 57-67).

Regarding claims 4, 10, 16 and 22, Chao teaches clients register with a second processor to create a redundant server-client relationship for fault tolerance (see fig. 3 col. 4 lines 13-17).

Regarding claims 5, 11, 17 and 23, Chao teaches communicates only with the primary server as long as the primary server remains capable, and further comprising a step of activating the secondary server in the event the primary server fails (see col. 7 lines 4-19).

3. Claims 6, 12, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chao et al (Chao) (US 6,338,092 B1) in view of Goertzel et al (Goertzel) (US 6,208,952 B1) in further view of Gehami et al (Gehami) (US 5,765,171).

Regarding claims 6, 12, 18 and 24, the combination of teachings of Chao and Goertzel does not teach determines the difference and used only the difference in further propagation of copies. However, Gehami teaches upon activation of the second server, a copy of the database is sent to the client which compares that copy with its

own copy, determines the difference, and uses only the difference in further propagation of copies (see col. 2 lines 19-40). Therefore it would have been obvious to have utilized the comparing step in the combination of teachings of Chao and Goertzel as taught by Gehami because such comparing step enables the client to copy only data items from the server which have added or changed so as to reduce the processing time.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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O.D
January 17, 2004

Patrice Winder
PATRICE WINDER
PRIMARY EXAMINER